IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17079 of 2007
KISHORE KUMAR PRADHAN @ SONU
Versus
STATE OF BIHAR & ORS
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5. 17.9.2008. Heard Mr. N.K. Agrawal, Senior Advocate, the learned counsel for the petitioner as also the learned counsel for O.P. No.2 and the learned A.P.P. for the State.

The grievance of the petitioner who happens to be the informant of Raniganj P.S. Case No.21 of 2005, is against the order dated 13.3.2007 passed by the learned Chief Judicial Magistrate, Araria, whereby he has merely taken cognizance under the Sections mentioned in the chargesheet and had failed to take cognizance under Sections 307 and 384 I.P.C. notwithstanding the fact that the offences under these Sections are also made out from the materials available in the case diary.

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It is expected that cognizance is taken by the Magistrate only after perusal of the contents of the case diary but that may not be a possible qualification always.

Be that as it may, it is hereby directed that in the event when material comes forth in course of the trial that offences under Sections 307 and 384 I.P.C. are also made out against the accused persons then the court below shall be at liberty to summon them under Section 319 Cr.P.C. and amend, modify or add to the charges as provided in Section 216 Cr.P.C.

With the aforesaid observations this application is disposed of.

(Abhijit Sinha,J)

P.S.